

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

VOTE SOLAR, et al.,

Plaintiffs,

v.

CV No. 19-753 JAP/CG

CITY OF FARMINGTON,

Defendant.

**SCHEDULING ORDER**

In accordance with the Civil Justice Expense and Delay Reduction Plan adopted in compliance with the Civil Justice Reform Act, and pursuant to Title 28 U.S.C. § 473(a)(1), this case is assigned to an approximately “**150-day**” discovery track classification for fact discovery, and approximately “**240-day**” discovery track classification for expert discovery. Accordingly, the termination date for fact discovery is **March 23, 2020**, and the termination date for expert discovery is **July 31, 2020**.

Discovery shall not be reopened, nor shall case management deadlines be modified, except by an order of the Court upon a showing of good cause. These deadlines shall be construed to require that respective discovery be completed on or before the above dates. Before moving for an order relating to discovery, the parties may request a conference with the Court in an attempt to resolve the dispute. Service of interrogatories or requests for production shall be considered timely only if the responses are due prior to the deadline. A notice to take deposition shall be considered timely only if the deposition takes place prior to the deadline. The pendency of dispositive motions shall not stay discovery.

Motions relating to fact discovery (including, but not limited to, motions to compel and motions for protective order) shall be filed with the Court and served on opposing parties by **April 13, 2020**. Motions relating to expert discovery (including, but not limited to, motions to compel and motions for protective order) shall be filed with the Court and served on opposing parties by **August 14, 2020**. See D.N.M.LR-Civ. 7 for motion practice requirements and timing of responses and replies. This deadline shall not be construed to extend the twenty-day time limit in D.N.M.LR-Civ. 26.6.

Both Plaintiffs and Defendant shall identify to all parties in writing any expert witness to be used by Plaintiffs and Defendant at trial and to provide expert reports pursuant to FED. R. CIV. P. 26(a)(2)(B) no later than **April 1, 2020**. Any responses or affirmative defenses to Plaintiffs' or Defendant's expert reports must be filed no later than **May 1, 2020**.

Pretrial motions, other than discovery motions, shall be filed with the Court and served on opposing parties by **August 21, 2020**. See D.N.M.LR-Civ. 7 for motion practice requirements and timing of responses and replies. Any pretrial motions, other than discovery motions, filed after the above dates shall, in the discretion of the Court, be considered untimely.

Plaintiffs shall have until **November 22, 2019**, to join additional parties and to amend the pleadings. Defendant shall have until **December 23, 2019**, to join additional parties and to amend the pleadings.

If documents are attached as exhibits to motions, affidavits or briefs, those parts of the exhibits that counsel want to bring to the attention of the Court must be highlighted in accordance with D.N.M.LR-Civ. 10.6.

Counsel are directed to file a consolidated final Pretrial Order as follows:

Plaintiffs to Defendant on or before **September 29, 2020**; Defendant to the Court on or before **October 13, 2020**. Counsel are directed that the Pretrial Order will provide that no witnesses except rebuttal witnesses whose testimony cannot be anticipated, will be permitted to testify unless the name of the witness is furnished to the Court and opposing counsel no later than thirty (30) days prior to the time set for trial. Any exceptions thereto must be upon order of the Court for good cause shown.

**IT IS SO ORDERED.**



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THE HONORABLE CARMEN E. GARZA  
CHIEF UNITED STATES MAGISTRATE JUDGE